

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FUJITSU SEMICONDUCTOR LIMITED, FUJITSU SEMICONDUCTOR AMERICA, INC., ADVANCED MICRO DEVICES, INC., RENESAS ELECTRONICS CORPORATION, RENESAS ELECTRONICS AMERICA, INC., GLOBAL FOUNDRIES U.S., INC., GLOBALFOUNDRIES DRESDEN MODULE ONE LLC & CO. KG, GLOBALFOUNDRIES DRESDEN MODULE TWO LLC & CO. KG, TOSHIBA AMERICA ELECTRONIC COMPONENTS, INC., TOSHIBA AMERICA INC., TOSHIBA AMERICA INFORMATION SYSTEMS, INC., TOSHIBA CORPORATION, and THE GILLETTE COMPANY

Petitioners,

v.

ZOND, LLC,
Patent Owner.

Case IPR2014-00781¹
Patent 7,147,759 B2

Before KEVIN F. TURNER, JONI Y. CHANG, SUSAN L.C. MITCHELL, and JENNIFER M. MEYER, *Administrative Patent Judges*.

CHANG, *Administrative Patent Judge*.

DECISION

Motion to Designate Lead Petitioner and Amend Scheduling Order
37 C.F.R. § 42.5

¹ This Decision addresses similar issues in the *inter partes* reviews identified in Appendix A of this Decision. For efficiency, we enter this Decision in this case as representative.

We instituted an *inter partes* review in each of the proceedings identified in Appendix A of this Decision, challenging U.S. Patent Nos. 6,805,779 B2, 6,806,652 B1, 6,853,142 B2, 6,896,773 B2, 6,896,775 B2, 7,147,759 B2, 7,604,716 B2, 7,808,184 B2, and 7,811,421 B2. Paper 13.² After institution, we also granted the revised Motions for Joinder filed by Taiwan Semiconductor Manufacturing Company, LTD., TSMC North America Corporation (collectively, “TSMC”), Fujitsu Semiconductor Limited and Fujitsu Semiconductor America, Inc. (collectively, “Fujitsu”), Advanced Micro Devices, Inc. (“AMD”), Renesas Electronics Corporation, Renesas Electronics America, Inc. (collectively, “Renesas”), GLOBALFOUNDRIES U.S., Inc., GLOBALFOUNDRIES Dresden Module One LLC & Co. KG, GLOBALFOUNDRIES Dresden Module Two LLC & Co. KG (collectively, “GlobalFoundries”), Toshiba America Electronic Components, Inc., Toshiba America Inc., Toshiba America Information Systems, Inc., and Toshiba Corporation (collectively, “Toshiba”), and The Gillette Company (“Gillette”). *See, e.g.*, Papers 16, 17, 18. A list of these Joinder Cases is provided in Appendix A of the instant Decision.

Subsequently, Patent Owner Zond, LLC (“Zond”) and TSMC filed a Joint Motion to Terminate, with respect to TSMC, in each pending *inter partes* review identified in Appendix A. Paper 33. Upon considering the procedural posture of these proceedings and the facts before us, we granted the Joint Motions to Terminate these reviews with respect to TSMC, pursuant to 35 U.S.C. § 317(a). Paper 36.

² All citations are to IPR2014-00781, as representative, unless otherwise noted.

Because TSMC was designated as Lead Petitioner for seventeen joined proceedings (*see, e.g.*, Paper 18, 6), we requested, in our prior Order authorizing the filing of the Joint Motions to Terminate, that the parties to designate a new lead petitioner for these proceedings and to identify any impact on the new lead petitioner's ability to file substantive papers, scheduling changes, and consolidation of oral hearings. Paper 32, 3. In response, the remaining Petitioners working together with Zond and TSMC reached an agreement regarding these issues.

Pursuant to our prior Order, the parties filed the instant Motion to Designate Lead Petitioner and to Amend Scheduling Order in each proceeding. Paper 35. The Motions provide a list of Lead and Backup petitioners (reproduced in Appendix A of this Decision). *Id.* at 3–4. The parties also stipulate to different dates for Due Dates 2–5 in certain proceedings, and propose to consolidate the oral hearings for the earlier proceedings with those for the later proceedings, changing Due Dates 6–7 for the earlier proceedings (reproduced in Appendix B of this Decision). *Id.* at 4–6. The parties believe that the proposal would allow the remaining Petitioners sufficient time to accommodate TSMC's termination while timely meeting the deadlines. *Id.* at 4. We also observe that the parties' proposal would not impact the trial schedules for these proceedings significantly, nor our ability to complete the proceedings timely. In fact, the consolidation of the oral hearings would streamline these proceedings by reducing the number of oral hearings.

In view of the particular factual circumstances before us, we are persuaded that good cause exists for permitting the parties to consolidate the oral hearings and change the Due Dates 6–7 for the earlier proceedings.

In consideration of the foregoing, it is hereby:

ORDERED that the Motion to Designate Lead Petitioner and to Amend Scheduling Order filed in each pending proceeding identified in Appendix A is *granted*;

FURTHER ORDERED that the parties' designation of Lead Petitioners and Backup Petitioners (reproduced in Appendix A) is accepted;

FURTHER ORDERED that, consistent with the Decision Granting Revised Motion for Joinder (Paper 18), Lead Petitioner will be primarily responsible for completing all consolidated filings for all substantive papers on behalf of Petitioners, and will not file any paper with arguments separate from those advanced by the consolidated filings; Lead Petitioner will consolidate discovery, including the designation of an attorney to conduct the cross-examination of any witnesses produced by Zond and the redirect examination of any witnesses produced by Petitioners, within the timeframe normally allotted by the rules for one party; Backup Petitioner may file the consolidated filings or conduct discovery in the event that Lead Petitioner is unavailable;

FURTHER ORDERED that Due Dates 6–7 set forth in the Scheduling Orders for the proceedings identified in Appendix B are changed to the dates provided in Appendix B;

FURTHER ORDERED that the parties' notice of stipulation, changing Due dates 2–5 for the proceedings listed in their Motion (Paper 35, labeled as Exhibit 1) is accepted; and

FURTHER ORDERED that, should the parties timely request an oral hearing for the proceedings identified in Appendix B, the oral hearings for the proceedings involving U.S. Patent No. 6,853,142 B2, 7,147,759 B2, and 8,125,155 B2 will be consolidated with the oral hearings for the proceedings involving U.S. Patent No. 7,604,716 B2, 7,811,421 B2, and 7,808,184 B2, respectively (the oral hearing dates for all of the proceedings are provided in Appendix C).

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